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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR       | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------------|---------------------|------------------|
| 09/788,162   | 02/15/2001  | Robert Anthony Luciano JR. | GSS-00-001-CIP.1    | 4032             |
| 55136  | 7590        | 10/05/2006                 | EXAMINER            |                  |
| BALLY GAMING INC.<br>6601 S. BERMUDA ROAD<br>LAS VEGAS, NV 89119 |             |                            | YOO, JASSON H       |                  |
|  |             |                            | ART UNIT            | PAPER NUMBER     |
|  |             |                            | 3714                |                  |

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/788,162

Applicant(s)

LUCIANO ET AL.

Examiner

Jasson Yoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 153-171 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 153-171 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/17/06 has been entered.

Claims 1-152 have been canceled and claims 153-171 are currently pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 153-155, 157-165, 167-171 rejected under 35 U.S.C. 102(e) as being anticipated by Walker (US 6,227,972).

Walker discloses the following:

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153, 162. A method for enhancing game play on a gaming machine, the method comprising:

providing at least one game on a gaming machine that is capable of receiving a new promotional award (prepaid card, cols. 4:61-5:9), wherein the new promotional award is configured to alter game play of at least one game, enhance winning outcomes of at least one game, trigger a bonus game, or any combination thereof, and wherein the new promotional award is given to a player to encourage game play on the gaming machine (receive bonus points or greater jackpots, i.e. \$1,000.00 jackpot is enhanced to a jackpot amount of \$1,200.00, col. 6:18-49);

receiving the new promotional award from the player (player input that includes new promotional data is received in step 604 in Fig. 6A);

determining whether the new promotional award is applicable to at least one game on the gaming machine (step 710 in Fig. 7); and

reconfiguring, if applicable, the at least one game in response to the new promotional award (steps 720-755 in Fig. 7, cols. 6:18-49, 11:26-40).

154, 164. The method of claim 153, wherein the new promotional award includes time restriction data having a predetermined, fixed expiration date for the new promotional award (cols. 2:55-3:2, 5:10-6:35).

155, 165. The method of claim 153, wherein the new promotional award includes location restriction data that restricts use of the new promotional award to a

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predetermined location or a predetermined set of locations (The promotional award or prepaid card is restricted to be used at the casino in which the prepaid card was received by the player, cols. 2:15-53, 3:3-46, 5:15-20).

157, 167. The method of claim 153, wherein reconfiguring the at least one game further comprises providing additional pay lines to the game, adding additional winning indicia to the game, triggering a secondary game, or any combination thereof (Earn bonus credits, or additional award amount added to the jackpot, col. 6:18-49).

158, 168. The method of claim 153, wherein reconfiguring the at least one game further comprises providing a new pay table for the game in response to the new promotional award (The jackpot amount is enhanced from \$1,000.00 to \$1,200.00, col. 6:36-49).

159, 169. The method of claim 153, wherein reconfiguring the at least one game further comprises applying a multiplier to any winning outcomes of the game (jackpot amount is multiplied by a factor of 1.2, from \$1,000.00 to \$1,200.00, col. 6:36-49).

160, 170. The method of claim 153, further comprising issuing a new promotional award to the player during a gaming session (issued to a player as part of a payout on a slot machine, cols. 4:61-5:9).

161, 171. The method of claim 153, further comprising issuing a new promotional award to the player at the conclusion of a gaming session (issued to a player when the payout is awarded, cols. 4:61-5:9).

163. The method of claim 162, wherein receiving player input further comprises:  
accepting player identification (col. 7:22-37); and  
retrieving new promotional data that is associated with the player identification (col. 7:38-57).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 156 and 166 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker' 972 (US 6,227,972) in view of Walker'765 (US 6,364,765).

156, 166. Walker'972 discloses the method of or enhancing game play on a gaming machine using promotional awards as discussed above. Walker'972 teaches the promotional awards are awarded to the players (col. 4:61-5:9) and to attract new

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customers and increase customer loyalty (col. 1:12-29). The promotional awards are also used to stimulate business in a casino during off-peak periods (col. 2:46-48). The casino can increase the customer loyalty with promotional awards and regulate the usage of promotional awards during off-peak periods by including restrictions such as an expiration time for the promotional awards, a time frame in which the players can use the promotional awards, or a minimum spending amount before the awards can be in effect (Figs. 5A-5B, col. 3:13-65). Furthermore, Walker'972 discloses slot machines that can receive player's information and determine if the player is within limits set by the restriction fields and use the promotional awards (step 616 Fig. 6A, col. 7:13-37, 7:59-8:9, 8:65-9:16). However, Walker'972 does not specifically teach the restriction of the new promotional award to a particular game, a set of related games, a family of games, or a predetermined subset of games. In an analogous art casino restrictions with awards Walker'765 discloses a method of playing a game where the casino restricts the usage to a particular game, a set of related games, a family of games, or a predetermined subset of games. Walker'765 discloses a secondary game played to play in specific slot machines or types of slot machines (cols. 7:3-8:15), in order for the casino operators to effectively utilize the valuable floor space of a casino. By encouraging player to move to higher profit machines or encouraging an idle player to play any machine, casinos can achieve a higher profit per machine. Directing slot players to particular machines also benefits players by enhancing or expanding their gaming experiences (col. 3:32-43). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Walker'972's

gaming method and incorporate a location restriction, restricting the usage to a particular game, a set of related games, a family of games, or a predetermined subset of games, in order to utilize the floor space of a casino and encourage players to move to higher profit machines.

### ***Response to Arguments***

Applicant's arguments with respect to claims 153-171 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Acres (US 6,371,852) discloses a method of enhancing game play on a gaming machine using promotional awards.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571) 272-5563. The examiner can normally be reached on 8:30-5:00.

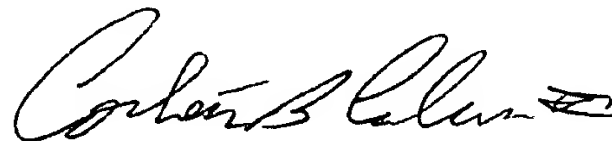
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", with a stylized flourish at the end.

**CORBETT B. COBURN  
PRIMARY EXAMINER**